

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CV-602-D

SHAQUAN LAVENA LESANE,)
)
Plaintiff,)
)
v.)
)
)
Defendants.)

ORDER

SANTANDER CONSUMER USA, INC.,)
and COLLATERAL RECOVERY, INC.,)
)
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)
)
Defendants.)

On February 5, 2018, Collateral Recovery, Inc. (“Collateral Recovery, Inc.” or “defendant”) moved to dismiss Shaquan Lavena Lesane’s (“Lesane” or “plaintiff”) complaint for lack of personal jurisdiction, insufficient process, insufficient service of process, and failure to state a claim upon which relief can be granted, [D.E. 30] and filed a memorandum in support [D.E. 31]. See Fed. R. Civ. P. 12(b)(2), (4), (5), and (6). On February 26, 2018, Lesane responded in opposition, [D.E. 37], but admitted that she did not use the correct name for Collateral Recovery, Inc. in her complaint or in the summons. See [D.E. 37] 2–4; cf. [D.E. 38] 1–2. On March 9, 2018, Collateral Recovery replied [D.E. 38]. As explained below, the court grants Collateral Recovery’s motion to dismiss and dismisses the complaint without prejudice.

Absent proper process and proper service of process, the court lacks personal jurisdiction over Collateral Recovery, Inc. See, e.g., Koehler v. Dodwell, 152 F.3d 304, 306 (4th Cir. 1998); Smith v. Healthcare Fin. Servs., No. 5:17-CV-370-D, 2018 WL 405974, at *3 (E.D.N.C. Jan. 12, 2018) (unpublished); Campbell v. Wells Fargo Bank, N.A., 73 F. Supp. 3d 644, 647 (E.D.N.C. 2014); Pitts v. O’Geary, No. 5:13-CV-116-D, 2014 WL 229350, at *4–5 (E.D.N.C. Jan. 21, 2014) (unpublished); Reale v. Wake Cty. Human Servs., No. 5:11-CV-682-D, 2013 WL 2635181, at * 1–3 (E.D.N.C. June

12, 2013) (unpublished); Thomas v. Green Point Mortgage Funding, No. 5:10-CV-365-D, 2011 WL 2457835, at *1 (E.D.N.C. June 16, 2011) (unpublished). Thus, the court grants the motion to dismiss and dismisses the complaint without prejudice.

In sum, the court GRANTS Collateral Recovery, Inc.'s motion to dismiss [D.E. 30] and DISMISSES plaintiff's complaint without prejudice.

SO ORDERED. This 25 day of June 2018.



JAMES C. DEVER III
Chief United States District Judge